

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

NIKOLAY RASTORGUEV

**Plaintiff,**

**V.**

**DAVID SEPIACHVILI,  
DAVID A. SEPIASHVILI,  
ATERRA EXPLORATION, LLC,  
SOUTHTEX ENERGY CORP.,  
LEVEL ONE ADVISORS, INC., and  
TIGHT ROCK COMPANY, LLC,**

## Defendants.

**Civil Action No. 5:18-CV-00966-FB**

## **NOTICE OF ADR OUTCOME**

Respectfully submitted,

RAYMOND J. MARKOVICH

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By: /s/ Raymond J. Markovich

Raymond J. Markovich  
New York Bar No. 2582419  
*Pro Hac Vice*

**ATTORNEY FOR PLAINTIFF**

Plaintiff Nikolay Rastorguev (“Plaintiff”) hereby serves this Notice Of ADR Outcome and respectfully requests this Court for the relief requested below.

## **I. FACTS**

On February 14, 2019, the Court entered an Order [DKT 28] granting Defendants’ Motion to Compel Arbitration [DKT 20] as to all claims related to the Special Purpose Loan Agreement (“SPLA”) [Cplt., at 6–10] and denied the Motion without prejudice as to all claims concerning the Austin Chalk Development Project (“Austin Chalk”) [Cplt., at 10–15]. The Court’s Order also stayed all proceedings in this case pending completion of the arbitration [DKT 28]. On October 22, 2019 [DKT 39], the Court administratively closed this case.

In compliance with the Court’s Order [DKT 28], the Parties arbitrated the SPLA claims in December 2019 in San Antonio, Texas. Arbitrator Richard Alsup issued an award in Plaintiff’s favor on March 25, 2020 (“Award”) a true and correct copy of which is attached hereto and incorporated herein.

On June 22, the Parties submitted a Joint Status Report [DKT 44] asking the Court to lift the stay [DKT 28] and administrative closure [DKT 39] on July 3, 2020.

On July 8, 2020, Defendants’ served Defendants’ Second Motion To Compel Arbitration of the Austin Chalk claims [DKT 45].

## **II. PRAYER**

Plaintiff hereby respectfully requests confirmation of the Award and entry of judgment on the SPLA claims.

**ECF SERVICE**

This is to certify that on July 10, 2020, a true and correct copy of the foregoing was served electronically upon all parties receiving notice via the Court's ECF/PACER system.

By: /s/ Raymond J. Markovich

Raymond J. Markovich

New York Bar No. 2582419

*Pro Hac Vice*

**ATTORNEY FOR PLAINTIFF**